

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WONDIYRAD KABEDE,
Petitioner,

v.

CA GOVERNOR'S PAROLE BOARD
HEARING DEP'T, et al.,
Respondents.

Case No. 21-05366 EJD (PR)

ORDER OF TRANSFER

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the denial of parole on January 9, 2020. Dkt. No. 15 at 4, 25. On November 9, 2021, the Court dismissed the petition with leave to amend, specifically with regards to the exhaustion of state judicial remedies. Dkt. No. 14. Petitioner filed an amended petition. Dkt. No. 15.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction or sentencing. See Habeas L.R. 2254-3(b)(1); Dannenberg v. Ingle, 31 F.Supp. 767, 768 (N.D. Cal. 1993); Laue v. Nelson, 279 F.Supp. 265, 266 (N.D. Cal. 1968). But if the petition challenges the manner in which a sentence is being executed, e.g., if it involves

1 parole or time credits claims, the district of confinement is the preferable forum. See
2 Habeas L.R. 2254-3(b)(2); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

3 Here, Petitioner is challenging the denial of parole. See supra at 1. Petitioner is
4 currently confined at the California Health Care Facility in San Joaquin County. Dkt. 15 at
5 1. San Joaquin County lies within the venue of the Eastern District of California. See 28
6 U.S.C. § 84(b). Therefore, venue properly lies in that district and not in this one. See 28
7 U.S.C. § 1391(b). Accordingly, this case is TRANSFERRED to the United States District
8 Court for the Eastern District of California. See 28 U.S.C. § 1406(a).

9 The Clerk shall terminate all pending motions and transfer the entire file to the
10 Eastern District of California.

11 **IT IS SO ORDERED.**

12 **Dated:** April 7, 2022



EDWARD J. DAVILA
United States District Judge